IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.433 OF 2006

IN

SUMMARY SUIT NO.3371 OF 2003

Gyanendra Narain Dixit ...Plaintiff

vs.

Mahant Madhavdas Mahatyagi. ...Defendant

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Mr.P.S.Anand, for Plaintiff.

Mr.M.U.Pandey, for Defendant.

**CORAM: D.K.DESHMUKH,J.**

**DATED: 21st November,2006..**

**P.C**.:-

By consent of parties, the summons for judgment is disposed of in the following terms:

1. In case the defendant deposit an amount of Rs.1,50,000/- (Rupees One lakh fifty thousand only) with due intimation to the plaintiff within a period of six weeks from today, leave to defend shall

stand granted to the defendant. In that event the defendant shall file written statement within a period of six weeks from the date of deposit.

2. In case the amount is so deposited, the Prothonotary & Senior Master of this Court shall permit the plaintiff to withdraw the amount on furnishing bank guarantee to the satisfaction of the Prothonotary and Senior Master of this Court and filing an undertaking undertaking therein to re-deposit the amount if so directed by this Court and on such terms and conditions as may be directed by this Court, further undertaking that in the event of plaintiff being required to re-deposit the amount, the rate of interest shall not be less than 12% per annum. The withdrawal be permitted within a period of six weeks from the date of deposit.

3. If the amount is not withdrawn within the aforesaid period by furnishing bank guarantee, the Prothonotary and Senior Master of this Court shall invest that amount in fixed deposit in a nationalised bank.

4. In case the defendant fails to deposit the amount within the aforesaid period, this summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clause of the suit. In that event, Court fee be refunded as per rules.

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